

II. The Examiner's Objections

Certified copies of PCT/JP96/00374, and Japanese applications 54977/1995 and 207508/1995 to which Applicants have claimed benefit under 35 U.S.C. §120 are submitted herewith.

Applicants are submitting herewith a set of formal drawings for the instant application.

Applicants have amended the abstract to correct translation errors and to comprise only one paragraph. No new matter has been introduced thereby.

The sequences on page 23 of Applicants' specification have been amended to contain sequence identifier numbers. The sequence of primer 2F is provided in SEQ. ID No. 107 and the sequence of primer 3R is provided in SEQ. ID No. 108.

The specification has been amended to recite the Brief Description of the Drawings following the Summary of the Invention.

The informality of claims 1 and 12 have been corrected to comprise a single sentence, according to the Examiner's suggestion.

III. The Claim Rejection under 35 U.S.C. §112

Applicants have amended claims 1, 2, 4, 10, 11 and 12 according to the Examiner's suggestions, in order to more distinctly claim the subject matter which Applicants regard as the invention.

Claim 1 has been amended to recite "heating said protein." Further, the phrase "substantially in accordance with" in step (d) of claim 1 has been removed and the claim amended to recite "sequence as provided in Seq. ID No. 1, 2 or 3."

Claim 2 has been amended to recite "sequence."

Claim 4 has been amended to recite "a factor comprising an internal amino acid sequence of SEQ. ID No. 1, 2, or 3 or a sequence variant or mutant thereof."

Claim 10 has been amended to recite "a" cDNA.

Claim 11 is rejected for being vague and indefinite because it recites percent sequence identity. Applicants traverse the rejection to the extent it is maintained over the claims as amended. Applicants argue that claim 11 was part of the application as originally filed, therefore was part of the specification as filed, and does not require additional basis in the specification. MPEP §608.01(l). Applicants wish to claim proteins that share 80% sequence identity with the sequence of amino acids in Seq. ID No. 4 and that there is no need for specific algorithms or parameters to make this calculation. A skilled artisan interprets "80% sequence identity with an amino acid sequence" to define proteins that share 4 out of 5 amino acids with the protein, where 1/5 or 20% of the amino acids are different. Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

Claim 12 has been amended to recite "heating said protein." Further, step (d) of claim 12 now recites "an internal amino acid sequence as provided in Seq. ID No. 1, 2 or 3 or a sequence variant or mutant thereof."

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IV. Rejection under 35 U.S.C. §102 over Tsuda et al.

Claims 4 and 5 are rejected under 35 U.S.C. §102 as being anticipated by Tsuda et al. Applicants respectfully point out that Tsuda et al. is not prior art to the instant application under §102 because the Tsuda et al. reference was published in 1997, after both the filing date (Feb. 20, 1996) and priority date of the instant application (Feb. 20, 1995). Applicants request that this rejection be withdrawn.

V. Allowable Claims

Applicants acknowledge with thanks the Examiner's determination that claims 6, 16, 19, 22 and 25 are allowable.

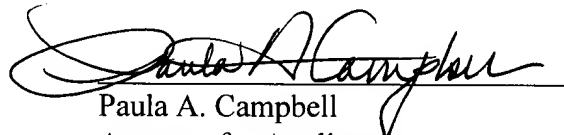
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Conclusion

Applicants respectfully urge, in view of the foregoing amendments and remarks, that all claims as amended are in condition for allowance. Accordingly, Applicants respectfully request reconsideration of the elected claims as amended and prompt and favorable action on the application. If the Examiner believes that a telephone conference with the undersigned agent would be helpful in expediting prosecution of this application, he is urged to call the undersigned at (617) 248-7263

Respectfully submitted,

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